

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

NEPHETERIA ORR,)	
Plaintiff,)	
)	
v.)	Civil No. 3:12-837
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
Defendant.)	

ORDER

THIS MATTER is before the Court upon the parties' Consent Motion for Attorney Fees (Doc. No. 16). For the reasons that follow, the motion is GRANTED.


Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's September 18, 2013, Order remanding this case to the defendant Acting Commissioner for further administrative proceedings.

IT IS HEREBY ORDERED that the Court will award attorney fees in the amount of four thousand eight hundred nineteen dollars and eighty-eight cents (\$4,819.88) in full satisfaction of any and all claims Plaintiff may have in this case under the Equal Access to Justice Act. . No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S.Ct. 1251 (2010), these attorney fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor the Plaintiff's November 5, 2012, signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to her counsel.

IT IS SO ORDERED.

Signed: October 17, 2013



Frank D. Whitney
Chief United States District Judge

